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EXTRAORDINARY

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MINISTRY OF LAW

THE ESSENTIAL SERVICES (PREVENTION OF STRIKES) ORDINANCE, 1951

No. I OF 1951

An Ordinance to provide for the prevention of strikes in certain essential services.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Essential Services (Prevention of Strikes) Ordinance, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance,—

(a) “essential service” means—

(i) any railway service;

(ii) any public road transport service carried on by means of motor vehicles;

(iii) any service or employment in a port in connection with the loading, unloading, movement or storage of goods, the pilotage or berthing of vessels, or the maintenance of navigation channels;

(iv) any postal, telegraph or telephone service; or

(v) any service of the Central Government engaged in, or in connection with, the manufacture, repair, storage, inspection or distribution of ships, aircraft, vehicles, arms, ammunition or other stores or equipment of the armed forces; and

(b) "strike" means a total or partial cessation of work by a body of persons employed in any essential service acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment.

3. Power to prohibit strikes in essential services.—(1) The Central Government may, if satisfied that public interest so requires, by notification in the Official Gazette, prohibit strikes in any essential service specified in the notification within such area and for such period as may be so specified:

Provided that the period so specified shall not, in the first instance, exceed six months, but may, by a like notification, be extended by any period not exceeding six months if, in the opinion of the Central Government, public interest requires such extension.

(2) Upon the issue of a notification under sub-section (1),—

(a) no person employed in any essential service to which it relates shall go or remain on strike; and

(b) any strike declared or commenced, whether before or after the issue of the notification, by persons employed in any such essential service, shall be illegal.

4. Penalty for illegal strikes.—(1) Any person who commences or continues a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (1).

5. Penalty for instigation, etc.—Any person who instigates or incites others to take part in, makes any preparation for, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

6. Penalty for giving financial aid to illegal strikes.—Any person who knowingly expends or applies any money in direct furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

7. Effect of provisions inconsistent with other laws.—The provisions of this Ordinance and of any notifications issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (XIV of 1947), or any other law for the time being in force.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.